

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILED BY JG D.C.
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MARILYN JOHNSON, and
DURAND MARTIN, et al.

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

Plaintiffs,

vs.

No.: 00 2608-D ✓
04-2017-D

CITY OF MEMPHIS,
Defendant.

* * * * *

FLORENCE BILLINGSLEY and
AUNDRA SEGREST, et al.,
Plaintiffs,

vs.

No.: 04-2013-D

CITY OF MEMPHIS,
Defendant,

ORDER GRANTING DEFENDANT'S MOTION FOR DIRECTED VERDICT
AS TO THE CLAIMS WITHDRAWN BY PLAINTIFFS

The trial of these consolidated cases began on July 11, 2005. At the close of Plaintiffs' proof, Defendant orally moved for a directed verdict with respect to some of Plaintiffs' claims. The Court reserved argument and ruling on said motion until the end of trial except for the following claims which Plaintiffs' counsel announced prior to trial that the Plaintiffs would not pursue;

(a) The non-minority Plaintiffs' claims in *Johnson, et al. v. City of Memphis*, No. 00-2608 of intentional racial discrimination arising from the 2000 sergeant promotion process brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, *et seq.*, the Tennessee Human Rights Act, Tenn.CodeAnn. § 4-21-401, *et seq.*, the Equal Protection Clause

of the Fourteenth Amendment to the U.S. Constitution, 42 U.S.C. §§ 1981 & 1983, and the Tennessee Constitution Article I, § 8. These plaintiffs' other claims, i.e., violation of the city laws remain.

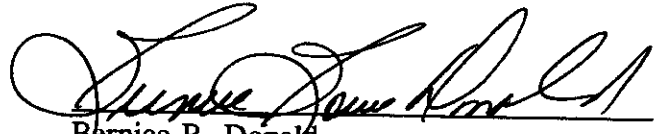
(b) The claims brought by the non-minority Plaintiffs (Acosta and Cook) in *Johnson, et al v. City of Memphis*, No. 00-2608 of negligence and violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution under a "class of one" theory with respect to the January 10, 2003 sergeant promotions. These plaintiffs' other claims, i.e., violation of the city laws, remain.

(c) The claims brought by the Class B minority Plaintiffs in *Johnson, et al. v. City of Memphis*, No. 00-2608 of negligence and violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution under a "class of one" theory with respect to the January 10, 2003 sergeant promotions. These plaintiffs' other claims, i.e. violation of the city laws and intentional racial discrimination, remain.

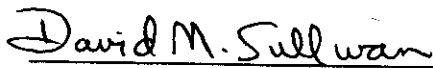
(d) The claims brought by the minority plaintiffs in *Johnson, et al. v. City of Memphis*, No. 04-2017 and *Billingsley, et al. v. City of Memphis*, No. 04-2013 of negligence and violation of the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution under a "class of one" theory with respect to the January 10, 2003 sergeant promotions. These plaintiffs' other claims, i.e. violation of the city laws and intentional racial discrimination, remain.

The Court grants defendant's motion for a directed verdict only as to the above described claims. It is therefore ORDERED, DECREED and ADJUDGED that Plaintiffs' claims listed above be and are hereby dismissed with prejudice.


SO ORDERED this the 17th day of August, 2005.


Bernice B. Donald
United States District Judge

Approved for Entry:


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Honorable Bernice Donald
US DISTRICT COURT